

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Status of the claims

Claims 8-10 and 18-49 were previously canceled without disclaimer or prejudice thereof.

Claims 1, 11 and 17 are currently being amended to omit reference to “preventing” a disease or condition, and to omit reference to diseases, disorders or conditions other than inflammatory bowel disease, Crohn’s disease and colitis. The amendments add no new matter, and entry and examination thereof is respectfully requested.

The Applicants acknowledge that this amendment is made after a final rejection on the merits; however, because the amendments place the claims in condition for allowance or at least in better condition for appeal, entry and examination thereof is respectfully requested.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-7 and 11-17 are now pending in this application.

II. Claim rejection – 35 U.S.C. § 112, enablement

In the Advisory Action dated March 24, 2009, the Examiner asserts that claims 1-7 and 11-17 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to meet the enablement requirement. Specifically, the Advisory Action asserts that while the specification is “enabling for a method of treating IBD, Crohn’s disease or colitis, [it] does not reasonably provide enablement for a method of preventing IBD, Crohn’s disease or colitis.” (Advisory Action at page 2). The Applicants respectfully traverse the grounds for rejection.

However, without conceding to the correctness of the Examiner’s assertions and solely to expedite prosecution, the claims have been amended to omit reference to “preventing” a disease, condition or disorder and to omit reference to any disease, condition, or disorder other than inflammatory bowel disease (“IBD”), Crohn’s disease or colitis.

The Applicants respectfully contend that the pending claims are fully enabled (as asserted in the Advisory Action); accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

III. Withdrawn subject matter

The Advisory Action asserts that species listed in claims 1-7 and 11-17 other than IBD, Crohn’s disease or colitis are withdrawn from further consideration. (Advisory Action at page 2). The claims have been amended to omit reference to the withdrawn subject matter; as such, the pending claims are in condition for allowance.

IV. Conclusion

The present application is in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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